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10/698,215	10/31/2003	John A. Baumann	03-0822	1498
74576	7590	12/22/2010		
HUGH P. GORTLER			EXAMINER	
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			ART UNIT	PAPER NUMBER
			3727	
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			12/22/2010 PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/698,215

**Applicant(s)**

BAUMANN, JOHN A.

**Examiner**

HADI SHAKERI

**Art Unit**

3727

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-4, 6, 11, 12, 18, 20 and 62-66 is/are pending in the application.
- 4a) Of the above claim(s) 4, 6, 11, 12, 18 and 29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2, 3 and 62-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's response regarding claims reading on the elected species in the reply filed on April 2, 2010 is acknowledged. Applicant indicates that claim 63 is generic. Said claim will be examined as indicated below, however, should further amendment direct the claim to the non-elected species of Figs. 6A and 6B, it will be withdrawn should there be no allowable generic linking claim as required by 37 CFR 1.141.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 62, 63, 2, 3 and 64-66 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Independent claims 62 and 64-66 recite the limitation "opposite ends of the chain secured to the crib" in line 5 and 6 (claim 66), rendering the claim indefinite.

Specification and drawings as originally filed describe a crib (16) that supports the workpiece (as recited in the indicated claims), they further define a chain of coupling unites and force applying units that are secured to a fixed support (20, Fig. 1; cantilever support @ 220, Fig. 7 and at 320, Fig. 8). Specification and drawings as originally filed do not describe or support the chain to be secured to the crib (16, supporting workpiece) as recited, rendering the scope unascertainable. Rejection under 112, 1<sup>st</sup>

paragraph for insufficient disclosure is not applied at this time, since it appears that the claim deficiencies are of clarity and not of enablement.

5. Claims 63 recites the limitation "a single pivot ball" in line 2, rendering the claim indefinite. The elected embodiment is described, e.g., in Figs. 2A-3B to define a coupling unit 30 that includes first and second arms 31, 33 and a lockable pivot 32. As clearly shown in Fig. 3B, said unit defines a circular configuration; however, as shown in Fig. 3A, it does not define a "ball". It appears that the claim is drafted to read over the non-elected embodiment of Figs. 6A and 6B, where a ball 132 is described, however, at this time, this term is considered to be ambiguous/indefinite. Applicant may wish to amend by replacing the "single pivot ball" to, --a lockable pivot--, to provide sufficient support for dependent claim 2 that recites for a "lockable pivot".

6. Claim 2 recites the limitation "wherein the lockable pivot includes a bendable elbow" in line 2, rendering the claim indefinite. Claim requires an extra element (bendable elbow) in addition to a pivot ball/lockable pivot, first and second arms already recited in the parent claim 63, whereas specification and drawings clearly define the elbow to be formed/defined by said elements are recited in the parent. Applicant may wish to amend by reciting, --wherein the lockable pivot and the arms define a bendable elbow --. It is also noted that "lockable pivot" is not positively recited in the parent.

#### ***Claim Rejections - 35 USC § 102***

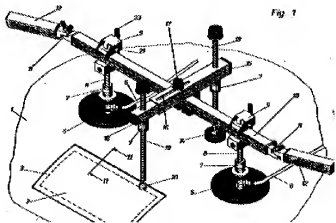
7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 62-66 and 2, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by GB 2169835.

GB'835 discloses all of the limitations of claims 62, 64 and 66, as best understood, i.e., a system for clamping a top work piece 2 to an underlying work piece 4, the system comprising a crib 1 for supporting the underlying work piece; and a chain of interspersed coupling units 11 and force applying units 5-9, the chain stretching across an upper surface of the top work piece, opposite ends **lateral ends** of the chain secured to the crib **via** 15 the coupling units allowing the force-applying units to conform to the upper surface of the top work piece, the force-applying units for pressing the top work piece against the underlying work piece. The system capable of being applied to an aircraft skin/frame and wherein the coupling units are lockable **via** 11 may be unlocked to allow the chain to flex and allow force applying unit to conform to the workpiece.



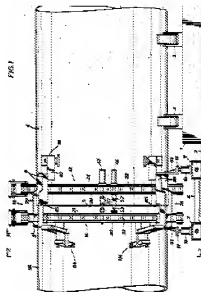
Regarding claims 63 and 2, GB'835 meets the limitations, i.e., arms 10, 12 and pivot ball **defined by joint 11**, as best understood.

Regarding claim 65, GB'835 is cable of meets the limitations, i.e., skin, frame, and crib being defined by 2, 4 and 1.

9. Claims 62, 63, 66 and 2, as best understood, are rejected under 35

U.S.C. 102(b) as being anticipated by Dearman (4,356,615).

Dearman discloses all of the limitations of claims 62, 64, as best understood, i.e., a system for clamping a top work piece **4** to an underlying work piece **94** (top and bottom depends on the orientation of the workpieces), the system comprising a crib **1, 3, 11** for supporting the underlying work piece @ **11**, **114**; and a chain of interspersed coupling units **16-19** and force applying units **34**, the chain stretching



across an upper surface of the top work piece, opposite ends of the chain secured to the crib **via 93, 11** the coupling units allowing the force-applying units to conform to the upper surface of the top work piece, the force-applying units for pressing the top work piece against the underlying work piece. The system defining a chain of lockable coupling units, i.e., lockable **via 25, 27** to allow the chain to flex and allow force applying unit to conform to the workpiece.

Regarding claims 63 and 2, Dearman meets the limitations, i.e., arms **distal/proximal ends of links** and pivot ball **defined by joint 23**, as best understood.

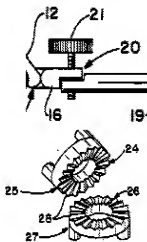
### ***Claim Rejections - 35 USC § 103***

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB' 835 in view of Trickett (5,236,213).

GB' 835 meets all of the limitations of the indicated claim, as described above, except for disclosing teeth for the joint 11.

Trickett teaches joints 17, 20, which may have teeth 28. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the joint of GB' 835 with the teeth as taught by Trickett for a more secure lock gin means.



12. Claims 64 and 65, in the alternative, are rejected under 35 U.S.C. 103(a) as being unpatentable over GB' 835.

GB' 835 meets all of the limitations of the indicated claims, as described above, except for disclosing the application of the system to an aircraft skin/frame. As indicated above the preamble and the narrative language in the claim is considered to fail in reading over the anticipation rejection applied, however, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to apply the invention of GB' 835 to other workpieces, e.g., in applying a skin to an aircraft frame, since it would only require routine experimentations with predictable results; and since it would amount to applying a known technique to a known device ready for improvement to yield predictable results.

### ***Response to Arguments***

13. Applicant's arguments Applicant's arguments filed April 30, 2010 have been fully considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is 571-272-4495. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 17, 2010

/Hadi Shakeri/  
Primary Examiner, Art Unit 3727